

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DEMARENE COLEMAN,

Plaintiff,

vs.

NDOC, et al.,

Defendants.

Case No. 2:21-cv-01734-JAD-VCF

Order

LETTER (ECF NO. 5)

I previously granted plaintiff Demarene Coleman's in forma pauperis application and dismissed his complaint without prejudice. ECF No. 3. I gave him 30 days to file an amended complaint. *Id.* Plaintiff did not file an amended complaint per my order and the time to do so has passed. Plaintiff instead sent a letter to the Clerk of Court, and the Clerk filed it on the docket. See ECF No. 5. Plaintiff states in the letter that he needs a copy of the docket because he has not received anything from the Court regarding his complaint. *Id.*

In my screening order I warned that, "[p]ursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any change of address...Failure to comply with this rule may result in dismissal of the action." ECF No. 3. *Id.* Plaintiff alleges he has not received anything from the Court in his letter. I will give plaintiff the benefit of the doubt here, but I warn him that it is his responsibility to ensure that the Clerk has his correct address. I sua sponte extend the deadline for plaintiff to file an amended complaint that complies with my previous screening order. See ECF No. 3.

1 ACCORDINGLY,

2 I ORDER that the Clerk of Court mail the plaintiff a copy of the docket, a copy of my previous
3 order (ECF No. 3), and a copy of this order.

4 I FURTHER ORDER that plaintiff has until Wednesday, April 6, 2022, to file an amended
5 complaint addressing the issues in my previous screening order. ECF No. 3. Failure to timely file an
6 amended complaint that addresses the deficiencies noted in this Order may result in a recommendation
7 for dismissal.

8 I FURTHER ORDER that if plaintiff files an amended complaint, the Clerk of the Court is
9 directed NOT to issue summons on the amended complaint. I will issue a screening order on the
10 amended complaint and address the issuance of summons at that time, if applicable. See 28 U.S.C. §
11 1915(e)(2).

12 **NOTICE**

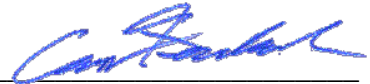
13 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
14 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
15 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
16 may determine that an appeal has been waived due to the failure to file objections within the specified
17 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

18 This circuit has also held that (1) failure to file objections within the specified time and (2)
19 failure to properly address and brief the objectionable issues waives the right to appeal the District
20 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d
21 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
22 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any
23 change of address. The notification must include proof of service upon each opposing party's attorney,
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1 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may
2 result in dismissal of the action.

3 IT IS SO ORDERED.

4 DATED this 7th day of March 2022.



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6 CAM FERENBACH
7 UNITED STATES MAGISTRATE JUDGE
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